

Service Date: April 3, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Application	)	UTILITY DIVISION
for U S WEST Communications for	)	
Forbearance of Regulation RE:	)	DOCKET NO. 89.6.19
Community Medical Center, Missoula,	)	
Montana.	)	ORDER NO. 5416a

ORDER APPROVING STIPULATION

BACKGROUND AND FINDINGS OF FACT

On June 21, 1989 US West Communications (USWC) filed, with the Montana Public Service Commission (PSC or Commission), its Application for Forbearance of Rate Regulation with regard to intraLATA message toll service provided to Community Medical Center (MCM), Missoula, Montana. The application was assigned Docket No. 89.6.19. The Commission granted USWC's application on June 27, 1989. See NCA, service date: June 27, 1989 and Order on Reconsideration, Order No. 5416.

After USWC entered into an agreement with MCM, the contract was filed with the Commission on August 31, 1989. Portions of the contract that USWC claimed to be proprietary, in-

cluding the price (rate), minimum rate, term and early termination penalty provisions were deleted. A Motion for Protective Order was filed with the contract. A Protective Order was issued by the Commission on October 16, 1989.

On October 18, 1989 Touch America (TA) filed a letter with the PSC objecting to the proprietary designation of certain portions of the USWC/MCM contract.

A hearing date was set for October 16, 1990. Immediately prior to the hearing, USWC indicated to the Commission that due to a change in policy on confidentiality, USWC was prepared to agree to provide the information sought by TA. The hearing was continued to allow the parties to prepare a written stipulation.

A stipulation signed by TA and USWC was submitted to the Commission on January 15, 1991. The terms of the stipulation (attached hereto) are incorporated herein by this reference.

#### CONCLUSIONS OF LAW

1. USWC is a public utility offering regulated telecommunications services in the State of Montana. § 69-3-101, MCA. The Commission has authority to supervise, regulate and control public utilities. § 69-3-102, MCA.

2. The Commission properly exercises jurisdiction over USWC's Montana operations pursuant to Title 69, Chapter 3, MCA.

3. The PSC has provided adequate public notice of all proceedings herein and an opportunity to be heard, to all interested parties in this Docket. Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

4. The PSC has the authority to grant forbearance of rate regulation for regulated telecommunications service. § 69-3-808, MCA.

5. The Commission has the authority to issue Protective Orders for claimed confidential and proprietary information, and to conduct proceedings thereunder. § 69-3-105(2), MCA.

6. TA and USWC have signed and submitted a stipulation (dated January 10, 1991) resolving some of the outstanding issues in this docket. § 2-4-603, MCA, and ARM 38.2.3001.

ORDER

NOW, THEREFORE, based upon the foregoing, it is hereby ORDERED as follows:

1. The information subject to the Protective Order in Docket No. 89.6.19 (certain terms of the contract between TA and USWC) is hereby removed from the protections of the Protective Order and placed in the public record.

2. The information subject to the Protective Order in Docket No. 89.10.36 (certain terms of the contract between USWC and D.A. Davidson & Co.) is hereby removed from the protections of the Protective Order issued in that Docket and placed in the public record.

3. The remaining terms of the Stipulation between USWC and TA dated January 10, 1991 is hereby approved and adopted herein.

4. This Docket is closed.

Done and Dated this 1st day of April, 1991 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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JOHN B. DRISCOLL, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.